



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5793

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-24.2 from Ch. 122, par. 27-24.2
625 ILCS 5/2-106.5 new
625 ILCS 5/6-107.5

Amends the School Code. Provides that a school district's driver education course shall include instruction on proper procedures following a vehicle stop by a law enforcement officer. Amends the Illinois Vehicle Code. Provides that the Secretary of State shall prescribe by rule all driver education course materials used by an adult driver education course and by a driver education course under the Driver Education Act. Makes conforming changes.

LRB099 19230 AXK 43622 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 27-24.2 as follows:

6 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

7 Sec. 27-24.2. Safety education; driver education course.
8 Instruction shall be given in safety education in each of
9 grades one through ~~through~~ 8, equivalent to one class period
10 each week, and any school district which maintains grades 9
11 through 12 shall offer a driver education course in any such
12 school which it operates. Its curriculum shall include content
13 dealing with Chapters 11, 12, 13, 15, and 16 of the Illinois
14 Vehicle Code, the rules adopted pursuant to those Chapters
15 insofar as they pertain to the operation of motor vehicles, and
16 the portions of the Litter Control Act relating to the
17 operation of motor vehicles. The course of instruction given in
18 grades 10 through 12 shall include an emphasis on the
19 development of knowledge, attitudes, habits, and skills
20 necessary for the safe operation of motor vehicles, including
21 motorcycles insofar as they can be taught in the classroom, and
22 instruction on distracted driving as a major traffic safety
23 issue. In addition, the course shall include instruction on

1 special hazards existing at and required safety and driving
2 precautions that must be observed at emergency situations,
3 highway construction and maintenance zones, and railroad
4 crossings and the approaches thereto. The course shall also
5 include instruction on the proper procedures following a
6 vehicle stop by a law enforcement officer, including the
7 driver's rights, the officer's rights, appropriate
8 questioning, required documentation, and any other related
9 information. The course of instruction required of each
10 eligible student at the high school level shall consist of a
11 minimum of 30 clock hours of classroom instruction and a
12 minimum of 6 clock hours of individual behind-the-wheel
13 instruction in a dual control car on public roadways taught by
14 a driver education instructor endorsed by the State Board of
15 Education. Both the classroom instruction part and the practice
16 driving part of such driver education course shall be open to a
17 resident or non-resident student attending a non-public school
18 in the district wherein the course is offered. Each student
19 attending any public or non-public high school in the district
20 must receive a passing grade in at least 8 courses during the
21 previous 2 semesters prior to enrolling in a driver education
22 course, or the student shall not be permitted to enroll in the
23 course; provided that the local superintendent of schools (with
24 respect to a student attending a public high school in the
25 district) or chief school administrator (with respect to a
26 student attending a non-public high school in the district) may

1 waive the requirement if the superintendent or chief school
2 administrator, as the case may be, deems it to be in the best
3 interest of the student. A student may be allowed to commence
4 the classroom instruction part of such driver education course
5 prior to reaching age 15 if such student then will be eligible
6 to complete the entire course within 12 months after being
7 allowed to commence such classroom instruction.

8 Such a course may be commenced immediately after the
9 completion of a prior course. Teachers of such courses shall
10 meet the certification requirements of this Act and regulations
11 of the State Board as to qualifications.

12 Subject to rules of the State Board of Education, the
13 school district may charge a reasonable fee, not to exceed \$50,
14 to students who participate in the course, unless a student is
15 unable to pay for such a course, in which event the fee for
16 such a student must be waived. However, the district may
17 increase this fee to an amount not to exceed \$250 by school
18 board resolution following a public hearing on the increase,
19 which increased fee must be waived for students who participate
20 in the course and are unable to pay for the course. The total
21 amount from driver education fees and reimbursement from the
22 State for driver education must not exceed the total cost of
23 the driver education program in any year and must be deposited
24 into the school district's driver education fund as a separate
25 line item budget entry. All moneys deposited into the school
26 district's driver education fund must be used solely for the

1 funding of a high school driver education program approved by
2 the State Board of Education that uses driver education
3 instructors endorsed by the State Board of Education.
4 (Source: P.A. 96-734, eff. 8-25-09; 97-145, eff. 7-14-11;
5 revised 10-21-15.)

6 Section 10. The Illinois Vehicle Code is amended by
7 changing Section 6-107.5 and adding Section 2-106.5 as follows:

8 (625 ILCS 5/2-106.5 new)

9 Sec. 2-106.5. Driver education course materials. The
10 Secretary shall prescribe by rule the content of all driver
11 education course materials used by a driver education course
12 under the Driver Education Act and an adult driver education
13 course under Section 6-107.5 of this Code, and shall include
14 any information the Secretary deems necessary. The materials
15 shall have information concerning the proper procedures
16 following a vehicle stop by a law enforcement officer,
17 including the driver's rights, the officer's rights,
18 appropriate questioning, required documentation, and any other
19 information the Secretary, in consultation with the State
20 Police, deems necessary.

21 (625 ILCS 5/6-107.5)

22 Sec. 6-107.5. Adult Driver Education Course.

23 (a) The Secretary shall establish by rule the curriculum

1 and designate the materials to be used in an adult driver
2 education course. The course shall be at least 6 hours in
3 length and shall include instruction on traffic laws; highway
4 signs, signals, and markings that regulate, warn, or direct
5 traffic; and issues commonly associated with motor vehicle
6 accidents including poor decision-making, risk taking,
7 impaired driving, distraction, speed, failure to use a safety
8 belt, driving at night, failure to yield the right-of-way,
9 texting while driving, using wireless communication devices,
10 and alcohol and drug awareness. The course shall also include
11 instruction on the proper procedures following a vehicle stop
12 by a law enforcement officer, including the driver's rights,
13 the officer's rights, appropriate questioning, required
14 documentation, and any other information the Secretary, in
15 consultation with the State Police, deems necessary. The
16 curriculum shall not require the operation of a motor vehicle.

17 (b) The Secretary shall certify course providers. The
18 requirements to be a certified course provider, the process for
19 applying for certification, and the procedure for decertifying
20 a course provider shall be established by rule.

21 (b-5) In order to qualify for certification as an adult
22 driver education course provider, each applicant must
23 authorize an investigation that includes a fingerprint-based
24 background check to determine if the applicant has ever been
25 convicted of a criminal offense and, if so, the disposition of
26 any conviction. This authorization shall indicate the scope of

1 the inquiry and the agencies that may be contacted. Upon
2 receiving this authorization, the Secretary of State may
3 request and receive information and assistance from any
4 federal, State, or local governmental agency as part of the
5 authorized investigation. Each applicant shall submit his or
6 her fingerprints to the Department of State Police in the form
7 and manner prescribed by the Department of State Police. These
8 fingerprints shall be checked against fingerprint records now
9 and hereafter filed in the Department of State Police and
10 Federal Bureau of Investigation criminal history record
11 databases. The Department of State Police shall charge
12 applicants a fee for conducting the criminal history record
13 check, which shall be deposited into the State Police Services
14 Fund and shall not exceed the actual cost of the State and
15 national criminal history record check. The Department of State
16 Police shall furnish, pursuant to positive identification,
17 records of Illinois criminal convictions to the Secretary and
18 shall forward the national criminal history record information
19 to the Secretary. Applicants shall pay any other
20 fingerprint-related fees. Unless otherwise prohibited by law,
21 the information derived from the investigation, including the
22 source of the information and any conclusions or
23 recommendations derived from the information by the Secretary
24 of State, shall be provided to the applicant upon request to
25 the Secretary of State prior to any final action by the
26 Secretary of State on the application. Any criminal conviction

1 information obtained by the Secretary of State shall be
2 confidential and may not be transmitted outside the Office of
3 the Secretary of State, except as required by this subsection
4 (b-5), and may not be transmitted to anyone within the Office
5 of the Secretary of State except as needed for the purpose of
6 evaluating the applicant. At any administrative hearing held
7 under Section 2-118 of this Code relating to the denial,
8 cancellation, suspension, or revocation of certification of an
9 adult driver education course provider, the Secretary of State
10 may utilize at that hearing any criminal history, criminal
11 conviction, and disposition information obtained under this
12 subsection (b-5). The information obtained from the
13 investigation may be maintained by the Secretary of State or
14 any agency to which the information was transmitted. Only
15 information and standards which bear a reasonable and rational
16 relation to the performance of providing adult driver education
17 shall be used by the Secretary of State. Any employee of the
18 Secretary of State who gives or causes to be given away any
19 confidential information concerning any criminal convictions
20 or disposition of criminal convictions of an applicant shall be
21 guilty of a Class A misdemeanor unless release of the
22 information is authorized by this Section.

23 (c) The Secretary may permit a course provider to offer the
24 course online, if the Secretary is satisfied the course
25 provider has established adequate procedures for verifying:

26 (1) the identity of the person taking the course

1 online; and

2 (2) the person completes the entire course.

3 (d) The Secretary shall establish a method of electronic
4 verification of a student's successful completion of the
5 course.

6 (e) The fee charged by the course provider must bear a
7 reasonable relationship to the cost of the course. The
8 Secretary shall post on the Secretary of State's website a list
9 of approved course providers, the fees charged by the
10 providers, and contact information for each provider.

11 (f) In addition to any other fee charged by the course
12 provider, the course provider shall collect a fee of \$5 from
13 each student to offset the costs incurred by the Secretary in
14 administering this program. The \$5 shall be submitted to the
15 Secretary within 14 days of the day on which it was collected.
16 All such fees received by the Secretary shall be deposited in
17 the Secretary of State Driver Services Administration Fund.

18 (Source: P.A. 98-167, eff. 7-1-14; 98-876, eff. 1-1-15.)